

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

ALAN B. MARCUS, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

J.C. PENNEY COMPANY, INC., et al.,

Defendants.

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ERHAN ERDEM, Individually and on Behalf  
of All Others Similarly Situated,

Plaintiff,

vs.

J.C. PENNEY COMPANY, INC., et al.,

Defendants.

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§ Civil Action No. 6:13-cv-00736

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CLASS ACTION

Civil Action No. 6:13-cv-00750

CLASS ACTION

[Caption continued on following page.]

**DECLARATION OF DANIELLE S. MYERS IN SUPPORT OF OPPOSITION TO  
MOTIONS FOR APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF  
SELECTION OF COUNSEL**

SHAWN GILBERT, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

J.C. PENNEY COMPANY, INC., et al.,

Defendants.

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§ Civil Action No. 6:13-cv-00810

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I, DANIELLE S. MYERS, declare, under penalty of perjury:

1. I am an attorney duly licensed to practice before all of the courts of the State of California and have been admitted *pro hac vice* in *Marcus v. J.C. Penney Co., Inc.*, No. 6:13-cv-00736. I am associated with Robbins Geller Rudman & Dowd LLP, proposed lead counsel for proposed lead plaintiff National Shopmen Pension Fund (the “Pension Fund”) in the above-captioned actions. I make this declaration in support of the Pension Fund’s Memorandum of Law in Opposition to Motions for Appointment as Lead Plaintiff and Approval of Selection of Counsel. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. Attached are true and correct copies of the following exhibits:

Exhibit 1: Description of Aletti Gestielle SGR and its funds from [www.gestielle.it](http://www.gestielle.it) (last visited Dec. 19, 2013 and translated by Google); and

Exhibit 2: *Shaffer v. Digital Generation, Inc.*, No. 3:13-CV-1684-N, Order (N.D. Tex. Sept. 19, 2013).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 20th day of December, 2013, at San Diego, California.

\_\_\_\_\_  
s/ Danielle S. Myers  
DANIELLE S. MYERS

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2013, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 20, 2013.

s/ Danielle S. Myers

DANIELLE S. MYERS

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## Mailing Information for a Case 6:13-cv-00736-KNM

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)

## Mailing Information for a Case 6:13-cv-00750-KNM

### Electronic Mail Notice List

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## Mailing Information for a Case 6:13-cv-00810-KNM

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